

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

ROBERT B. JONES,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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No. 12-cv-02086-JSS

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

This matter comes before the court on the Motion for Leave to File a Second Amended Complaint (docket number 14) filed by the plaintiff, Robert B. Jones, on June 12, 2013, the resistance to Mr. Jones motion (docket number 15) filed by the United States on June 18, 2013, and the parties stipulation concerning plaintiff's motion (docket number 16) filed on July 1, 2013. For the reasons stated in the parties' joint stipulation, the Court finds the motion should be granted in part and denied in part.

IT IS HEREBY ORDERED THAT:

1. Mr. Jones's request that he be permitted to amend his damages request is **GRANTED IN PART AND DENIED IN PART**. Mr. Jones can file a third amended complaint amending his complaint to increase his damages request to the amount he expended for medical bills related to the condition described in the complaint plus \$300,000 for pain and suffering and loss of hearing (\$100,000 for loss of hearing, \$150,000 for pain and suffering until the time of filing the complaint, and \$50,000 for pain and suffering since filing the complaint and for future pain and suffering).


2. The United States has not waived any argument or defense to Mr. Jones's suit or damages request based upon its stipulation permitting Mr. Jones to amend his complaint.

3. Mr. Jones's request that he be permitted to eliminate certain counts is GRANTED. Mr. Jones can file a third amended complaint eliminating counts one, two, three, four, six, and seven set forth in plaintiff's first amended complaint.

3. Mr. Jones's request to amend his complaint to add an additional count alleging that the doctor treating Mr. Jones should, "after having ascertained the severity of Plaintiff's pain . . . refrained from further treatment and referred Plaintiff to an otolaryngologist or other specialist for examination" is DENIED.

4. Mr. Jones shall, within 15 days of this Order, file a third amended complaint incorporating the changes addressed in this order.

DATED this 2nd day of July, 2013.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA